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NOTICE OF ALLOWANCE AND ISSUE FEE DUE

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APPLICATION NO.	FILING DATE	TOTAL CLAIMS	EXAMINER AND GROUP ART UNIT	DATE MAILED
09/383,318	08/26/99	005	SLOBODYANSKY, E	1652 11/06/01
First Named Applicant	BELGHUITH,	35 USC 154(b) term ext. =	0 Days.	

TITLE OF INVENTION POLYPEPTIDES HAVING GLUCOSE ISOMERASE ACTIVITY AND NUCLEIC ACIDS
ENCODING SAME

ATTY'S DOCKET NO.	CLASS-SUBCLASS	BATCH NO.	APPLN. TYPE	SMALL ENTITY	FEE DUE	DATE DUE
1	6004.200-US	435-233.000	054	UTILITY	NO \$1280.00	02/06/02

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED.

THE ISSUE FEE MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED.

HOW TO RESPOND TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

- A. If the status is changed, pay twice the amount of the FEE DUE shown above and notify the Patent and Trademark Office of the change in status, or
- B. If the status is the same, pay the FEE DUE shown above.

If the SMALL ENTITY is shown as NO:

- A. Pay FEE DUE shown above, or
- B. File verified statement of Small Entity Status before, or with, payment of 1/2 the FEE DUE shown above.

II. Part B-Issue Fee Transmittal should be completed and returned to the Patent and Trademark Office (PTO) with your ISSUE FEE. Even if the ISSUE FEE has already been paid by charge to deposit account, Part B Issue Fee Transmittal should be completed and returned. If you are charging the ISSUE FEE to your deposit account, section "4b" of Part B-Issue Fee Transmittal should be completed and an extra copy of the form should be submitted.

III. All communications regarding this application must give application number and batch number. Please direct all communications prior to issuance to Box ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

PATENT AND TRADEMARK OFFICE COPY

Notice of Allowability

Application No.
09/383,318

Applicant(s)
Srih-Belguith et al.

Examiner
Elizabeth Slobodyansky

Group Art Unit
1652



All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance and Issue Fee Due or other appropriate communication will be mailed in due course.

☒ This communication is responsive to Declarations Nov 2, 2001

☒ The allowed claim(s) is/are 13, 15-17, 22

☐ The drawings filed on _____ are acceptable.

☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☒ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
☒ received.

☐ received in Application No. (Series Code/Serial Number) _____

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

A SHORTENED STATUTORY PERIOD FOR RESPONSE to comply with the requirements noted below is set to EXPIRE **THREE MONTHS** FROM THE "DATE MAILED" of this Office action. Failure to timely comply will result in ABANDONMENT of this application. Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

☐ Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL APPLICATION, PTO-152, which discloses that the oath or declaration is deficient. A SUBSTITUTE OATH OR DECLARATION IS REQUIRED.

☒ Applicant MUST submit NEW FORMAL DRAWINGS

☐ because the originally filed drawings were declared by applicant to be informal.

☒ including changes required by the Notice of Draftsperson's Patent Drawing Review, PTO-948, attached hereto or to Paper No. 9

☐ including changes required by the proposed drawing correction filed on _____, which has been approved by the examiner.

☒ including changes required by the attached Examiner's Amendment/Comment.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the reverse side of the drawings. The drawings should be filed as a separate paper with a transmittal letter addressed to the Official Draftsperson.

☐ Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Any response to this letter should include, in the upper right hand corner, the APPLICATION NUMBER (SERIES CODE/SERIAL NUMBER). If applicant has received a Notice of Allowance and Issue Fee Due, the ISSUE BATCH NUMBER and DATE of the NOTICE OF ALLOWANCE should also be included.

Attachment(s)

☐ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

☒ Interview Summary, PTO-413 (Paper # 21)

☒ Examiner's Amendment/Comment

☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material

☐ Examiner's Statement of Reasons for Allowance

Notes for Authors of "Biotechnology Letters"

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DETAILED ACTION

The AF amendment filed September 19, 2001 consisting of the Remarks has been entered.

Claims 13, 15-17 and 22 are pending.

Response to Amendment

The Declaration under 37 CFR 1.132 by Dr. Karima Srih-Belguith filed October 2, 2001 is sufficient to overcome the rejections of claims 13, 15-17 and 22 based upon GenBank accession Y15518. Dr. Srih-Belguith stated that the deposit was made on behalf of all of the inventors of the current application.

The 102(b) rejection of claims 13, 15-17 and 22 based upon Belghith et al. ("Biotechnology Letters", June 1998, form PTO-1449) is withdrawn for the following reasons.

The Declaration under 37 CFR 1.132 by Dr. Samir Bejar filed April 17, 2001, stating that *Streptomyces* sp. SK or the DNA isolated therefrom was not made available to the public until February 1, 1999, is sufficient to disqualify the Belghith et al. article as the art under 102(b). Of note, "Biotechnology Letters" is silent with regard to the biological deposit of the material described in the articles. "Notes for authors" of this journal is attached hereto.

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In addition, the priority application filed in Tunisia on May 26, 1999, contains the *Streptomyces* sp. SK DNA sequence.

However, the Belghith et al. reference is the art under 102(a) because only two inventors of the current application are named as the authors therein.

The Declaration under 37 CFR 1.132 by Drs. Samir Bejar and Karima Srih-Belguith filed November 2, 2001 is sufficient to overcome the rejections of claims 13, 15-17 and 22 based upon Belghith et al.

Drawings

The following changes to the drawings have been approved by the examiner and agreed upon by applicant: the number of the last amino acid in the sequences should be corrected, see page 4, line 29, of the specification. In order to avoid abandonment of the application, applicant must make these above agreed upon drawing changes.

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

IN THE CLAIMS:

in claims 15 and 16, line 2,

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replace "sequence" with --construct--.

Authorization for an examiner's amendment was given in a telephone interview with Mr. Jason Garbell on November 2, 2001.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Elizabeth Slobodyansky whose telephone number is (703) 306-3222. The examiner can normally be reached Monday through Friday from 9:30 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dr. Ponnathapura Achutamurthy, can be reached at (703) 308-3804. The FAX phone number for Technology Center 1600 is (703) 308-4242.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Center receptionist whose telephone number is (703) 308-0196.


Elizabeth Slobodyansky, PhD
Primary Examiner

November 2, 2001

Notes for authors

BIOTECHNOLOGY LETTERS is the world's leading rapid-publication primary journal dedicated to biotechnology as a whole – that is, to topics relating to actual or potential applications of biological reactions effected by microbial, plant or animal cells and derived biocatalysts. Any relevant aspects of genetics and cell biochemistry, of process and reactor design, or pre- and post-treatment steps, and of manufacturing or service operations are equally welcome, and restricted disclosure is acceptable where it does not conflict with clear and useful communication.

Criteria for the acceptance of papers relate to our aim of rapid and informative publication and record, requiring clarity and conciseness as well as technical soundness and genuine utility. All papers are subjected to scrutiny by referees of international standing, who also assess the papers submitted to *Biotechnology Techniques*. In general, the Editor will decide whether an acceptable paper will appear in *Biotechnology Techniques* or in *Biotechnology Letters* (where new and urgent results, rather than techniques, are the main feature), but the author's preference will always be given consideration.

Papers are printed directly from authors' disks (9 cm, 3.5 inch disk). Printed copies of the full paper, including tables, figures etc., need to be provided for both reviewer and editor (see below). Disks in the following formats can be accepted: Word 6.0 for Windows, DOS or Mac; Word 7 for Windows; WordPerfect 5.1 for DOS or Windows; RTF. Object Linked or Embedded (OLE) files are not acceptable. The authors must ensure that text and disk match exactly. If there are discrepancies between the disk and the hard copy, the author's disk will be taken as the final version.

TYPESCRIPTS AND TEXT

1. There is a maximum length for the printed contribution of 6 pages. Authors' manuscripts may be of any length providing that the final version does not exceed this length. There are c.850 words to a printed page and illustrations take up on average $\frac{1}{3}$ of a page.

2. Typescripts should be on good quality A4 size paper. All text should be full page width and double line spaced. The preferred type size is 6 to 6.5 characters/cm. Each type of heading for sub-division of the text should be clearly identified using different type styles.

3. Titles must be informative and give key details. Only the first letter should be capitalized, all others should be lower case except for proper names. The following information must also be given:

Authors names. The corresponding author should be indicated by an asterisk.

Adequate postal address(es); (Fax number and e-mail address of the corresponding author can be included, but not telephone number.)

A Summary with the key data in not more than five lines. The Summary must give the key results of the paper and should avoid imprecise, qualitative statements.

Mathematical units should be set out economically but unambiguously. A solidus can be used for simple fractions or units for example ml/h – but the double solidus is to be avoided – for example kg/m³/h is correct but g/l/h is not. Units can also be given etc. but the style must be consistent. Terms such as ppm are not encouraged; use mg l⁻¹ etc. as appropriate. Concentrations should be given, for example, as g glucose l⁻¹ not gl⁻¹ glucose. Common units, symbols and all nonstandard abbreviations

must be defined at their first appearance, but a minimum number of abbreviations is preferred.

ARTWORK

5. Figures, graphs, structural formulae, etc. should be presented separately from the typescript as good quality originals. They should be professionally drawn and photographed; freehand or typewritten lettering is unacceptable. Tables and graphs should be concise and only used when they clarify the text.

6. Line illustrations should be submitted as original artwork or prints to a width of 80mm or, when the illustration demands it, to a width of 166mm. All illustrations should have a label pasted on the back bearing the figure number, the title of the paper, the author's name and an arrow indicating the top of the figure. Avoid writing directly on the back of prints. Do not mount illustrations. If shading is necessary use coarse patterns such as hatching; shading is liable to break up in the printed copy. Include the key within the figure. Axes should be clearly labelled and include all units of measurement, preferably in a sans serif font.

7. Photographs must be sharp, glossy, black-and-white prints, preferably to a width of 80mm. Photomicrographs must have internal scale markers. Photographs may be cropped or deleted at the discretion of the editors. Colour photographs are not suitable for black and white reproduction.

8. All illustrations must have legends. These should be inserted into the main text of the paper, where the figure is to be displayed, but should be clearly distinguished from the main text by use of blank lines.

REFERENCES

9. References should be given by the author and year (e.g. Smith, 1989; Smith and Wesson, 1996; Cobley *et al.*, 1995) and at the end of the typescript arranged alphabetically in order of the first author and in the forms indicated by the following examples:

Cobley, UT, Pierce, T and Hawkes, H (1995). *J Inst Brew Lond* 82:526–548

Smith, J (1989). *Biodegradation*, London: Arnold

Smith, K and Wesson, U (1996). Rotary discharge system. In: *Bioengineering Progress*, UT Cobley and T Pierce, eds vol 6 pp 69–96, Nevada: Boot Hill Press

SUBMISSION OF PAPERS

1. Prepare two good typescripts and two disks. Each copy of the typescript must have a covering letter indicating the novelty, urgency or timeliness of your communication.

2. Mail one typescript to the most appropriate member of the Editorial Board, who will then make the arrangements for refereeing.

3. At the same time, mail the top copy to the Editor together with the two disks of the manuscript. Please ensure that the disk matches the paper exactly. All papers are acknowledged immediately and reviewing is normally completed within four weeks.

4. Any additional correspondence should be sent to the editor.